

# StopBlight:

## Updates on Neglected Building Ordinance & Housing Code Amendment Strategies



**October 28, 2008**

October 28, 2008

# StopBlight Overview

- StopBlight concept first introduced in 2005
- Strategies included a new Neglected Building Ordinance, and amendments to the Housing Code, 1<sup>st</sup> implemented in December 2006
- Other strategies included:
  - Housing Code Diversion Program
  - START (StopBlight Action Response Team)
  - Project REHAB
  - Increased use of State tax foreclosure legislation

# Overview of Today's Update

- Updates will be provided for:
  - The new Neglected Building Ordinance (adopted 11/26/06)
  - Minimum Housing Code amendments (adopted 11/26/06)

# Neglected Building Ord. Overview (Title 30.01)

- ✓ Requires registration (\$25 fee) for any neglected building, and City approval of action plan (Statement of Intent, or SOI) for any ***unoccupied*** neglected building. Registration may be required for:
  - Buildings boarded over 90 days (primary focus to date)
  - Buildings with unsecured windows, doors or other openings
  - Buildings with multiple violation notices without owner response
  - Buildings with neighborhood court action
  - Buildings with criminal nuisance determination (per State law)
- ✓ Registration requires designation of a local in-County agent for an out-of-County property owner
- ✓ Allows for City assessment & collection of civil penalty fees for non-compliance with SOI (\$250 per 90-day period)

October 28, 2008

# Neglected Building Ord. Results

- Neglected Building Ord. Results (as of 10/17/08):
  - 994 cases started (primarily boarded buildings)
  - 515 cases (51.8%) resolved! (74 demolished by owner or City)
  - Over 400 properties have been registered
  - Civil penalty fees assessed & billed on 213 properties
  - Penalty fee collection recently initiated (by addendum to Municipal Court collections contract with MSB)
  - 479 on-going cases





# Neglected Building Ord. – Civil Penalty Fee Collection

For more difficult cases where:

- ✓ Owner has failed to register, and/or;
- ✓ Owner has failed to make a good faith effort to comply with SOI;
- ✓ Penalty fees have been incurred;
- ✓ Penalty fee notices & invoices have been ignored;
- ✓ Multiple penalty fees are owed.

# Neglected Building Ord. - Cases/Results by Council District

C.D.	ACTIVE	PENALTY		TOTAL	COMM.	RESID.	COMPLIANCE
		FEES	CLOSED				
1	170	153	318	641	17	624	49.6 %
2	4	2	12	18	1	17	66.6 %
3	33	24	52	109	2	108	47.7 %
4	15	17	46	78	1	77	58.9 %
5	0	0	2	2	0	2	100 %
6	44	17	85	146	11	135	58.2 %



# Neglected Building Ord. – What Has Worked?

- Has reduced barriers for addressing long-term boarded/vacant buildings
- Has reduced the number of long-term boarded buildings in Wichita by about 500 (over 50%)
- Has accelerated exterior repair & minimum exterior compliance on registered properties
- Has assigned responsibility for properties owned by out-of-County individuals/companies to designated local agents - quicker action

# Neglected Building Ord. – What Has Worked?

- Has provided another tool for OCI Neighborhood Inspectors to achieve Housing Code action & compliance
- Has provided City prosecutors and Municipal Court judges another tool to achieve code compliance (property registration)
- Penalty fees (\$250 each 90 days) have motivated most property owners to action

# Neglected Building Ord. – What Can Be Improved?

- Better data collection (for enhanced process improvement)
- Increased use by OCI of required registration & SOI submittal for problem properties that are not boarded
- Increased use by Municipal Court of registration/SOI submittal requirements
- Possible Title 30 code amendment to require SOI for “**occupied**” neglected structures

# Neglected Building Ord. – What Can Be Improved?

- Greater consistency in SOI compliance enforcement among inspectors (transition of cases to regular Housing Code enforcement)
- Increased emphasis on neglected commercial buildings
- Clearer guidelines on what constitutes a “neglected” commercial structure

# Neglected Building Ord. – Future Challenges

- Little “low hanging fruit” remains: rate of compliance will slow down/decrease
- Possible long-term increases in local mortgage foreclosure rates (vacated homes)
- Collection of over \$170,000 in unpaid civil penalty fees (now being turned over to contracted collection service company)
- Filing by City of civil liens for uncollected penalty fees
- Potential for increased civil court actions by City to recover civil liens/foreclose civil liens

# Housing Code Amendments (11/26/2006)

- Key 11/26/06 Amendments:
  - Required escalating, increasing penalties for repeat offenders (convictions within any 3-year window)
  - Required out-of-County owners to designate & register local agents
  - Added new and modified definitions to make court citations clearer, more defensible



# Housing Code Amendments – What Has Worked?

- Repeat offenders have been assessed significantly higher, *and escalating*, minimum fines
- Owners of multiple properties have become more responsive to OCI advisory & violation notices
- Neighborhood Court judge: “Ability to assess minimum, escalating fines for repeat offenders is proving beneficial.” (resolving cases more quickly)
- Dozens of resident agents have been designated through required property registration, enhancing enforcement, and providing quicker case resolution

# Housing Code Amendments – What Can Be Improved?

- Greater use of Housing Code's Neglected Building Ord. registration/SOI provisions - by OCI, prosecutors and Municipal Court
- Diversion Program for 1<sup>st</sup>-time offenders (enacted by policy & procedure) has not been utilized as anticipated; limited success
- Many owners of multiple properties are still unaware of “repeat offender” fine provisions

# CONCLUSIONS

- Neglected Building Ord. and Housing Code Amendments are achieving results:
  - There are 50% fewer boarded buildings in Wichita
  - Violating owners are paying attention & taking action
  - More Housing Code compliance is being achieved
  - Neighborhoods are being improved
- Title 30 - Require SOI for ***occupied*** buildings
- Policies & procedures must be continually reviewed and fine-tuned
- Continue to emphasize education/awareness
- Significant challenges lay ahead



# Questions?